

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

**SERGEANTS BENEVOLENT
ASSOCIATION HEALTH & WELFARE
FUND, on behalf of itself and all others
similarly situated,**

16cv7229

Plaintiff,

-against-

FOUGERA PHARMACEUTICALS, INC., *et al.*,

Defendants.

**UNITED FOOD AND COMMERCIAL
WORKERS UNIONS AND EMPLOYERS
MIDWEST HEALTH BENEFITS FUND, on
behalf of itself and all others similarly situated,**

16cv7979

Plaintiff,

-against-

FOUGERA PHARMACEUTICALS, INC., *et al.*,

Defendants.

**SERGEANTS BENEVOLENT
ASSOCIATION HEALTH & WELFARE
FUND, on behalf of itself and all others
similarly situated,**

16cv7987

Plaintiff,

-against-

FOUGERA PHARMACEUTICALS, INC., *et al.*,

Defendants.

**NECA-IBEW WELFARE TRUST FUND, on
behalf of itself and all others similarly situated,**

Plaintiff,

-against-

AKORN, INC., *et al.*,

Defendants.

16cv8109

**PLUMBERS & PIPEFITTERS LOCAL 178
HEALTH & WELFARE TRUST FUND, on
behalf of itself and all others similarly situated,**

Plaintiff,

-against-

FOUGERA PHARMACEUTICALS, INC., *et al.*,

Defendants.

16cv8374

**A.F. OF L. – A.G.C. BUILDING TRADES
WELFARE PLAN, on behalf of itself and all
others similarly situated,**

Plaintiff,

-against-

AKORN, INC., *et al.*,

Defendants.

16cv8469

**INTERNATIONAL UNION OF OPERATING
ENGINEERS LOCAL 30 BENEFITS FUND,
on behalf of itself and all others similarly
situated,**

Plaintiff,

-against-

FOUGERA PHARMACEUTICALS, INC., *et al.*,

Defendants.

16cv8539

**IUOE LOCAL 30 BENEFIT FUND’S NOTICE OF MOTION TO APPOINT INTERIM
LEADERSHIP COUNSEL PURSUANT TO FED. R. CIV. P. 23(g); FOR
CONSOLIDATION OF CLOBETASOL AND DESONIDE ACTIONS; AND
STATEMENT ADVOCATING FOR LIMITED, EARLY DISCOVERY**

TO: ALL PARTIES AND THEIR COUNSEL OF RECORD PLEASE TAKE NOTICE that plaintiff International Union of Operating Engineers Local 30 Benefit Fund (“IUOE Local 30”), will, and hereby does, move this Court, on December 15, 2016 at 3:30 p.m., in Courtroom 20B of the Honorable William H. Pauley III, United States District Judge, Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York 10007, for an order: (1) consolidating the related Clobetasol and Desonide claims pursuant to Rule 42(a) of the Federal Rules of Civil Procedure; (2) appointing Hach Rose Schirripa & Cheverie LLP to a leadership or supporting position for the consolidated Clobetasol and Desonide claims; and (3) limited, early discovery relating to the Department of Justice, Antitrust Division’s September 8, 2016 subpoenas issued to the Defendants. In support of this motion, IUOE Local 30 submits the accompanying Memorandum of Law, the Declaration of Frank R. Schirripa and a [Proposed] Order Granting IUOE Local 30’s Motion for Consolidation of the Clobetasol and Desonide Claims and Appointment of Hach Rose Schirripa & Cheverie to a leadership or supporting position for the consolidated claims.

Dated: November 22, 2016

HACH ROSE SCHIRRIPA & CHEVERIE LLP

/s/ Frank R. Schirripa

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*Attorneys for Plaintiff International Union of
Operating Engineers Local 30 Benefit Fund*

CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify that on the 22nd day of November 2016, a true and correct copy of the above and foregoing was served by via ECF on all counsel of record in the above-captioned cases.

/s/ Frank R. Schirripa

Frank R. Schirripa